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204 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2154-2010 (O&M)

Date of Decision: 07.07.2025

SUKHWINDER SINGH @ SUKHA

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Monika Jalota, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. The prayer in the present revision petition is to set aside the judgment dated 02.08.2010 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar vide which judgment of conviction and order on quantum of sentence dated 17.03.2006 passed by learned Sub Divisional Judicial Magistrate, Balachaur have been partly upheld wherein the petitioner has been convicted under Sections 451, 324 and 323 of Indian Penal Code in the case stemming from FIR No. 50 dated 14.03.2005 registered at Police Station Balachaur.

2. The petitioner was sentenced by learned lower Appellate Court for beating a shopkeeper by trespassing his premise, after making preparations to assault him, while he was armed with sword, as mentioned below:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
451 of IPC	Rigorous imprisonment for 01 year	Rs. 2000/-	-
324 of IPC	Rigorous imprisonment for 01 year	Rs. 2,000/-	-
323 of IPC	Rigorous imprisonment for 06 months	Rs. 500/-	-
All the sentences were ordered to run concurrently			



3. Learned Counsel for the petitioner submits that she is not assailing the impugned judgment of conviction dated 02.08.2010 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar on merits and restricts her prayer to modification of the order on quantum of sentence dated 17.03.2006 passed by learned Sub Divisional Judicial Magistrate, Balachaur, which is further modified by learned Sessions Judge, SBS Nagar vide order dated 02.08.2010, to that of sentence already undergone by the petitioner as he has already undergone a period of 02 months and 09 days out of total sentence of 01 year imposed upon him.

4. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned lower Appellate Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, the petitioner does not deserve any leniency.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted for beating a shopkeeper by trespassing his premise, after making preparations to assault him, attracting the offences under Sections 451, 324 and 323 of IPC, for which no minimum punishment has been prescribed. As per his custody certificate, he is not involved in any other case and has already undergone a period of 02 months and 09 days out of total sentence of 01 year imposed upon him. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits. Rather, she has restricted her prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 451, 324 and 323 of IPC, this Court is of the opinion

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that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

6. In **Deo Narain Mandal v. State of UP (2004) 7 SCC 257**, a three Judge bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

7. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. State of AP AIR 2017 SC 1166**, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the learned lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. However, the FIR



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(supra) was lodged on 14.03.2005 and the petitioner has been suffering the agony of trial for last more than 20 years. Since his conviction, he has grown into a law-abiding citizen and desires to live a peaceful life.

9. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

(i) The judgment dated 02.08.2010 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar is upheld.

(ii) The order of sentence dated 17.03.2006 passed by learned Sub Divisional Judicial Magistrate, Balachaur, which is modified by learned Sessions Judge, SBS Nagar vide order dated 02.08.2010, is further modified to the extent that the sentence of rigorous imprisonment for 01 year along with total fine of Rs. 4,500/- with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

07.07.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No